

### **REMARKS**

The present amendment is in response to the Final Action where the Examiner has rejected claims 1-20, which included five (5) independent claims. By the present amendment and RCE, claims 1-20 are cancelled and claims 21-40 are added, including five (5) independent claims 21, 26, 30, 34 and 37.

#### **A. Objection to the Claims under 35 U.S.C. 112**

In response to the Examiner's rejection under 35 U.S.C. 112, Applicant has eliminated claim wording that is not described in the specification.

#### **B. Objection to the Drawings**

In response to the Examiner's objection to the drawings under 37 CFR 1.83(a), and with reference to paragraph A above, Applicant has eliminated claim wording that is not described in the specification. Applicant asserts that the drawings as previously submitted show every feature of the invention specified in the claims submitted herewith in this preliminary amendment.

#### **C. Rejection of Claims under 35 U.S.C. §102(b) and 35 U.S.C. §103(a).**

With reference to the formerly pending claims, the Examiner rejects claims under 35 U.S.C. 102(b) as anticipated by Kaplan. The Examiner also rejects various claims under 35 U.S.C. 103(a) as unpatentable over Kaplan in view of one of Stephens, Cox, and Rahikainen. In response, Applicant cancels claims 1-20, and adds new claims 21-30 which claims comprise elements that are neither anticipated by Kaplan or obvious in view of the cited patents.

The Applicant presents the following table 1 for the Examiner's consideration. The elements column shows elements that may appear in Applicant's independent claims 21, 26, 30, 34 and 37. In each of the independent claims, among other things, Applicant claims that a GPS function inside of the device determines a physical location

of the phone, which determined physical location is utilized for placing or restricting outgoing/incoming phone calls. Stephens is the only cited art that may utilize GPS, however, the GPS function is outside of the phone as discussed further below. Thus, Applicant asserts that the pending independent claims are patentable over the cited references since the cited references do not teach or suggest each and every element of the claims.

Table 1				
Elements in claims 21-40 of App. no. 09/849,715	Kaplan	Rahikainen	Cox	Stephens
restrict incoming	no	yes	yes	no
sets of numbers within particular area codes	no	no	no - outside of phone	no
determine geographical characteristic of inputted number within phone	yes - area and country code	no	no	no - just a mention of "toll calls"
determine physical location of phone within phone	no	no	no	no - outside of phone
determine within phone whether call goes through	yes	no	no - outside of phone.	no - outside of phone
GPS in phone	no	no	no	no - outside of phone

#### 1. The Kaplan Patent (U.S. 5, 884,193).

The Kaplan patent teaches using a state machine-type process to analyze the digits entered by the user, and sets and enables signals accordingly. (See Kaplan, Col. 4, line 5-10.) Figure 2 of Kaplan illustrates the state machine flow diagram. As the user enters digits, the state machine determines whether the call is local, U.S. long distance, or international. The result is then checked against the call restriction table (See Kaplan, Fig. 4a) provided by a service provider and a restriction flag is set. (See Kaplan, Fig. 5a.) If the restriction flag is set, the entered telephone number is compared against stored "override numbers". If the entered number appears in the override numbers list, then the call is processed. Otherwise, the call is terminated. Similarly, if the restriction flag is not set, the entered telephone number is compared against stored "restriction numbers". (See Kaplan, Fig. 5b.) If the entered number

appears in the restriction number list, the call is terminated. Otherwise, the call is processed. Applicant also compares the inputted number against geographic characteristics that may comprise area codes and sets of numbers within area codes (which are not taught or suggested by Kaplan). However, Kaplan does not teach or suggest determining the physical location of the wireless communication device as claimed by Applicant in the independent claims, and Applicant respectfully requests that the Examiner issue a notice of allowance for all of the pending independent claims, and the remaining claims dependent thereupon.

## 2. The Stephens Patent (U.S. 5,995,823).

The Stephens patent, as indicated in the title, provides a system for imposing toll restrictions based upon the geographic location of, for example, a cell phone. However, the geographic location of a cell phone is determined outside of the phone.

What device in the Stephens patent is performing the function of locating the phone, e.g. a GPS function? See Col 14, lines 15-22., and Fig. 7, 8. "The MSC-S also is responsible for determining the geographic location of the mobile station when needed, and further, for querying the service node to determine the appropriate action to take for a given call. The MSC-S can determine the geographic location of the mobile station in a variety of ways, including but not limited to those methods described herein (i.e., triangulation, directional antennae, GPS, etc.)" (See also Col. 12, lines 49 through Col. 13, line 5, and Figures 7 and 8 for further explanation of the MSC-S.)

What device in the Stephens patent is determining whether to allow a call to go through? See Col 13, Lines 2-5. "Service node 84, coupled to HLR 86 and MSC-S 90, determines whether or not to allow the call to continue. Service node 84 is analogous to off-board node 80 depicted in FIG. 7." Col. 14, lines 23-25. "Service node 116 is responsible for receiving the current geographic location of the mobile, along with the type of call, and determining how the call should be handled."

The MSC-S is outside of the wireless communications device. In contrast, Applicant's claimed method and apparatus inventions comprises a geographic locator

inside of the wireless device for the purpose of restricting or allowing phone calls. Since use of a GPS function within the wireless communications device to restrict calls is neither taught nor suggested by any of the cited references, Applicant asserts that (all of) the pending claims containing this element are patentable.

3. The Cox Patent (U.S. 6,256,515).

The Cox reference teaches sets of numbers within area codes, col. 7 lines 15-25. However, his comparisons are all processed by a call management center 100 and not within the mobile phone (see Fig. 1). The Cox system is resource intensive on the call management center and the mobile telephone switching office to track MIN or ESN or ANI to the check controlled telephone tables. All incoming calls, must check the ANI, then go through a list to make a determination. (See col. 2, line 60 through col. 3, line 21.) In contrast, Applicant's claimed methods and devices make decisions on whether to restrict calls within the phone, that is, before network resources are used. Thus, none of the references teach or suggest restricting calls based upon a comparison, inside of the phone, of the inputted number to sets of numbers within area codes, and Applicant asserts that claims comprising this element are patentable over the cited prior art.

4. Rahikainen (U.S. 6,085,080).

Regarding restricting incoming phone calls, Rahikainen discloses in Col 2 lines 64 thru col 3 line 6 that "the memory is a non-volatile memory that stores a plurality of different lists, including an incoming call rejection list, and outgoing call rejection lists, and an outgoing group call list. The WLL subscriber station is responsive to a telephone number dialed by a user or received from the wireless network for comparing all or a portion of the number to at least one of the stored lists, and for rejecting a call that matches a stored telephone number or portion of a telephone number." However, the memory 11b described by Rahikainen is not in phone, but rather is in a TRX 11 component connected to a phone. Comparator functions 14a and 14b do the

comparison between incoming and outgoing calls and the data stored in memory 11b. (Col. 5 lines, 7-31, Fig. 2a and 2b.) Thus, the comparison is outside of the phone. Applicant respectfully asserts that claims comprising an element of restricting incoming phone calls are patentable over the cited prior art.

**D. Traverse of Examiner's Statements on Obviousness**

On page 15 of the Office Action with reference to (formerly pending) claims 3, 6 10, the Examiner admits that: "Kaplan fails to disclose having the features determining a position location of the wireless communications device utilizing a GPS function inside of the wireless communications device; and using the position location to authorize the placing of the phone call." The Examiner further states that he "maintains that the features determining a position location of the wireless communications device utilizing a GPS function *inside of the wireless communications device*; and using the position location to authorize the placing of the phone call was well known in the art, as taught by Stephens." (emphasis added)

Applicant traverses the Examiner's statement on page 15 and the Examiner's "it would have been obvious" statement on page 16 because Stephens does not include a GPS function inside of the wireless device as outlined above in the "Stephens" section, and the Examiner's position depends upon a GPS function being included in the wireless device. In addition, Stephens does not teach or suggest putting the GPS device in the wireless device. In addition, the Examiner has not presented a reference in which a GPS device is in a wireless device for the purpose of restricting or allowing phone calls. Thus, the combination of the references is still lacking in the inclusion of a GPS function in a wireless device, wherein the location information gained from the GPS function is used for the purpose of restricting or allowing calls.

On page 17 of the Office Action with reference to (formerly pending) claim 13, the Examiner admits that: "Kaplan fails to disclose having the features a position locator for determining a current position of the wireless communications device; and means

for determining if the current position corresponds to an area code of the plurality of authorized area codes." The Examiner further states that he "maintains that the features a position locator for determining a current position of the wireless communications device; and means for determining if the current position corresponds to an area code of the plurality of authorized area codes was well known in the art, as taught by Stephens."

Applicant traverses the above Examiner's statement on page 17 and the Examiner's "it would have been obvious" statement on page 17 because Stephens does not include a GPS function inside of the wireless device as discussed above with reference to formerly pending claim 3.

On page 18 of the Office Action with reference to claim 14, the Examiner admits that "Kaplan fails to disclose having the feature wherein the position locator of the wireless communication device is a GPS device." The Examiner further states that he "maintains that the feature wherein the position locator of the wireless communications device is a GPS device was well known in the art, as taught by Stephens."

Applicant traverses the above Examiner's statement on page 18 and the Examiner's "it would have been obvious" statement on page 18 because Stephens does not include a GPS function inside of the wireless device as discussed above with reference to formerly pending claim 3.

On page 19 of the Office Action with reference to claim 9, the Examiner admits that "Kaplan fails to disclose having the features sets of partial numbers, the sets of partial numbers associated with at least one area code of the plurality of authorized area codes, and with the sets of partial numbers." The Examiner further states that he "maintains that the features sets of partial number, the sets of partial numbers associated with at least one area code of the plurality of authorized area codes, and with the sets of partial numbers was well known in the art, as taught by Cox."

Applicant traverses the above Examiner's statement on page 19 and the Examiner's "it would have been obvious" statement that follows on page 19 because although Cox discloses partial numbers within area codes, the processing of this

information is taking place outside of the wireless device as outlined specifically below in the "Cox" section. Further, Cox neither teaches nor suggests putting the decision making, comparing and processing in the wireless device, and there is no motivation to do so. This is an important distinction exists between this cited art and Applicants claimed methods and devices because restricting calls within the wireless device conserves network resources.

On page 20 of the Office Action with reference to claim 18, the Examiner admits that "Kaplan fails to disclose having the features a position location function within the wireless devices" and "utilizing the physical position to determine whether to restrict incoming call to the wireless communication device." The Examiner further states that he "maintains that the feature to determine whether to restrict incoming calls to the wireless communication device was well known in the art, as taught by Rahikainen." Continuing, on page 21, the Examiner admits that the "combination of Kaplan and Rahikainen fails to disclose having the features a position location function within the wireless communication device for determining a physical position of the wireless communication device."

Applicant traverses the above Examiner's statements on pages 20 and 21 and the Examiner's "it would have been obvious to combine the teachings of Kaplan and Rahikainen" statement that follows on page 20, and the Examiner's "it would have been obvious to combine the teaching of Kaplan and Rahikainen with Stephens" statement that follows on page 21 as follows: although Rahikainen teaches the use of sets of numbers within area codes, Rahikainen teaches that this information is stored and processed outside of the phone in a call management center, and Rahikainen does not teach or suggest putting the information and processing inside of the phone. Further, Stephens does not include a GPS function inside of the wireless device as discussed above with reference to formerly pending claim 3. Thus, the combination of all three patents does not arrive at Applicant's claimed invention.

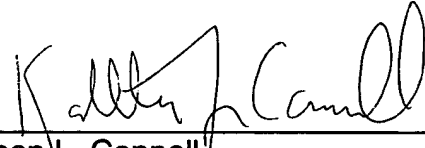
**E. Conclusion**

Applicant asserts that new claims 21-40 are neither anticipated by Kaplan under 35 U.S.C. 102(b) nor unpatentable over Kaplan in view of the cited art under 35 U.S.C. 103(a) as discussed above. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for all of the pending claims 21-40.

Should the Examiner believe that prosecution of this application might be expedited by further discussion of the issues, he is invited to telephone the attorney for Applicant at the telephone number listed below.

Respectfully submitted,

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